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**ATTN: MS AMENDMENT**

**DATE:** November 16, 2005

**PTO IDENTIFIER:** Application Number 10/502083  
Patent Number

**Inventor:** Jens Lerchl et al.

**MESSAGE TO:** U.S. Patent & Trademark Office

**FAX NUMBER:** 571-273-2885

**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

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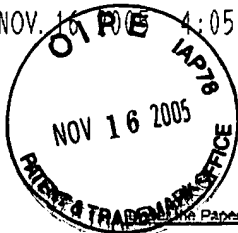
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PTO/SB/87 (09-04)  
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Application No.: 10/502083

Attorney Docket No.: 12810-00046-US

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Attorney Docket No. 12810-00046-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jens Lerchl et al.

Application No.: 10/502,083

Confirmation No.: 4008

Filed: July 22, 2004

Art Unit: N/A

For: Novel Elongase Gene, and Process for the  
Preparation of Polyunsaturated Fatty Acids

Examiner: Not Yet Assigned

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 17, 2005, Applicants hereby provisionally elect Group I, claims 1-4, 6-11 and 22-25 and plants as the transformed organism, with traverse. Applicants strongly urge reconsideration of the restriction requirement for the following reasons.

**The Claimed Inventions Share a Special Technical Feature**

Because this application is a national stage filing pursuant to 35 U.S.C. § 371, unity of invention under PCT Rule 13.1 and 13.2 is the applicable standard. Unity of invention is fulfilled "when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical feature. The expression 'special technical feature'